IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Bail Appl..No. 1679 of 2007()

CRIME NO. 25 OF 2007 OF IRIKKUR POLICE STATION

PETITIONERS/ACCUSED 1 TO 3(UNDER CUSTODY)

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1. T.P.SABIR, AGED 31 YEARS, S/O KASIM,
   T.P.HOUSE, VANDI THAVALAM, P.O.IRIKKUR.

2. SHANAVAZ, AGED 31 YEARS,
   S/O ABDUL RAHIMAN, MUMTHAZ MANZIL,
   IRIKKUR P.O.

3. SAFEER C.C., S/O IBRAHIM, AGED 21,
   CHEKINTAKATH, P.O.PATTANNUR, KURARI, KANNUR.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: COMPLAINANT & STATE

STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 1679 of 2007

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DATED: 21-3-2007

O R D E R

Petitioners who are accused Nos. 1 to 3 in Crime No. 25 of 2007 of Irikkur Police Station for offences punishable under Sections 143, 147, 148, 452, 323, 324, 354 and 427 read with Sec. 149 I.P.C. and Sec. 25(1) A of Arms Act , 1959, seek their enlargement on bail. Petitioners were surrendered before the Magistrate on 12-3-2007 and was remanded to judicial custody.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 23-1-2007 at about 10.30 p.m. the accused travelling in a jeep armed with deadly weapons like sword criminally trespassed into the house of the de facto complainant and attacked him, his sister and mother.

3. Considering the fact that the 2nd accused is involved in other crimes, I am not inclined to grant bail to the 2nd accused. Accused Nos. 1 and 3 are liable to be released on bail. Accordingly, accused Nos. 1 and 3 are directed to be released on bail on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M - II, Kannur and subject to the following conditions:

1. *The petitioners shall report before the Investigating Officer between 9 a.m. and 11*

a.m. on all Wednesdays.

2. *The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.*

3. *The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.*

4. *The petitioners shall not commit any offence while on bail.*

If petitioners 1 and 2 commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This petition is partly allowed granting bail to accused Nos. 1 and 3 and rejecting bail to accused No. 2.

V.RAMKUMAR, JUDGE.

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